Clark County Planning Commission Regular Meeting – 2 p.m. Wednesday, September 6, 2006 Administration Building of the former Springview Center 3130 East Main Street Springfield, OH 45505

# **AGENDA**

1. Minutes - August 2, 2006 (Regular)

Discussion & Action

2. Subdivision
Time Extension
and Reapproval
TE-2006-2

**Pinewood Estates, Sec. Two**German Township  $\sim 13$  lots  $\sim 17.735$  acres
East of Ballentine Pike at the East End of Pinewood Avenue
Lon A. Jenkins, Developer

Discussion &

3. Adjournment

Action

Action

www.clarkcountyohio.gov/planning

Regular Meeting ~ 2 p.m. Wednesday, August 2, 2006 Administrative Building of the former Springview Center 3130 East Main Street Springfield, Ohio 45505

Mr. Max Cordle, Chairperson of the Clark County Planning Commission, called the meeting to order at 2:00 p.m.

Present: Mr. Max Cordle, Mr. Lowell Bicknell, Ms. Diane Jordan, Mr. Robert Jurick, Mr. Allen

Perkins, Mrs. Elaine Stevenson, Mr. John Detrick (arrived 2:14), Mr. David Hartley, and

Mr. Roger Tackett.

Absent: Mrs. Nora Parker and Mr. Elliott Turner.

CPC: 8-36-2006: Minutes ~ July 5, 2006 (Regular Meeting)

Motion by Mrs. Stevenson, seconded by Mr. Bicknell, to approve the minutes as presented.

VOTE: Motion carried unanimously.

Z-2006-10 Rezoning Case  $\sim$  Karen S. Hamilton  $\sim$  Mad River Township  $\sim$  3.12 acres  $\sim$  8790 Dayton Rd.  $\sim$  A-1 (Agricultural District) to PD-M (Planned Development (Mixed Use) District)

Mr. Tritle presented the report for the rezoning request submitted by Karen S. Hamilton. He highlighted information contained in the staff report and on the maps.

The County Engineer noted that access to the public road is via Ada Lane to Dayton-Springfield Rd. Dayton-Springfield Rd. functions as a major collector so no traffic related issues are expected. This is considered to be a low impact use. Drainage appears satisfactory under the present use and it is not anticipated that the requested zoning change will significantly impact the amount of runoff. No major changes to landscape that would require the developer to address the stormwater issue are expected. Based on their review of access and drainage, the County Engineer has no objections to the zoning change.

The Utility Department noted that public water is available. Based of their review, the Utility Department has no objections to the rezoning request.

The Planning Department noted that this area is shown as Community Commercial development on the Crossroads Comprehensive Plan. Mr. Tritle gave a brief overview of the PD-M Plan which was submitted by the applicant. Work will begin in late 2006 or early 2007. The applicant has stated that public sewer is economically infeasible for this property. Signage issues will need to be clarified. Locations may not be acceptable with the County Engineer's office. Screening of the parking areas must be addressed.

Although PD requirements state that the site will have access to a major street, this site does not have direct access although Ada Lane gives almost immediate access to a major road. Ada Lane is not a typical minor residential street. In this situation, it would be acceptable for the type of use proposed and because of Ada Lane's proximity to Dayton-Springfield Rd. Staff also noted that, if sprinklers are required in any of these uses, there is a water line located at the front of property. The final building plan approval is separate from zoning issues and approval of the rezoning request would not supercede building code requirements (or regulatory requirements by any other agency). Planning Staff recommends approval.

Mr. Perkins inquired about who maintains Ada Lane. He also asked if the sewer belongs to Clark County or to Enon.

Mr. Tritle responded that the township maintains Ada Lane. The sewer belongs to Clark County and the water belongs to Enon.

Mr. Perkins opened discussion regarding a mound system versus 1100 ft. of sewer for this property.

Mr. Tritle stated that the property must be within 200 ft. of the sewer for hookup to be mandated. He added that tapping into the public water source cannot be mandated unless, in this case, sprinklers are required. The need for sprinklers (fire suppression) is determined by the building code depending on square footage and the number of people that will occupy the building.

Mrs. Stevenson asked if the applicant has investigated the cost of a mound system.

Mr. Farnsworth stated that a mound system for this use would be a commercial-grade mound system. These systems are classified as a small flow system. These systems are under the purview of the Ohio EPA and are monitored by the Ohio EPA periodically throughout the year. If there is failure, the EPA has the authority to require hookup to public sewer.

Mrs. Stevenson asked if the the property will be on public water or on a well.

Mr. Tritle explained that the current plan is to use a well. The only reason for mandated hookup to the public water system would be in the event that sprinklers are required.

Mr. Farnsworth stated that, depending on the size and frequency of use, the public water source would be monitored either by the Health Dept, the EPA, or a combination of the two.

Mr. Bicknell asked if the applicant has approached the county for assistance to access public sewer.

Mr. Farnsworth responded that he does not know.

Mrs. Stevenson inquired about emergency access back into the property. She aked if a turnaround should be provided for emergency vehicles.

## Clark County Planning Commission

Mr. Cordle expressed concern that, if the screening to the north is actually located on the adjacent property, it could be removed in the future.

Mr. Perkins asked for information regarding the signage situation.

Dean Fenton, representing the Clark County Engineer's Office, stated that steps have been taken to work with the applicant. The temporary sign (at Dayton Rd.) was removed and blue advisory signs (eastbound and westbound) were put in. The only way that the original sign can be replaced is by special permit. There is no guarantee that such a permit will be approved by the County Engineer.

Mr. Farnsworth added that there is a sign at the entrance to the property at the driveway.

Mr. Fenton said that they will try to work with the applicant. The sign that was on Dayton Rd. was a sight obstruction. It was determined that the sign was in the county right-of-way without a permit. Mr. Fenton also commented that tax maps are for taxing purposes and are not survey-accurate. Additional information should be used to determine correct property lines. The screening may already be located on the applicant's property.

There was a brief discussion regarding the sliver of land to the west of the applicant's lot.

Mr. Alta Roberts explained that this sliver of land was originally a lane used for access to the back of the property.

Mr. Perkins asked if there are adequate sewer and water facilities if the need arises.

Mr. Chuck Bauer, representing the Clark County Utilities Dept., stated that there is no problem with water availability or pressure in that area. The sewer access is on the west side of Mud Run. They would have to bore approximately 75 feet across, underneath the creek. The cost would be roughly \$80,000 to \$100,000 for 1,100 ft. of sewer (for a public project; a private project might be less). It will be considerably more than the mound system would be.

Mrs. Stevenson complimented the applicant on the project.

Mr. Detrick wished them the best of luck. There is a lot going on in the southwest part of the county.

CPC: 8-37-2006: Z-2006-10 Rezoning Case ~ Karen S. Hamilton ~ Mad River Township ~ 3.12 acres ~ 8790 Dayton Rd. ~ A-1 (Agricultural District) to PD-M (Planned Development (Mixed Use) District)

Motion by Mr. Perkins, seconded by Mrs. Stevenson to grant Approval to the Rural Zoning Commission for the request of Karen S. Hamilton to rezone 3.12 acres located at in Mad RiverTownship, from A-1 (Agricultural District) to PD-M (Planned Development (Mixed Use District).

CPC Meeting 8/2/06

VOTE: Motion carried unanimously.

# Z-2006-11 Rezoning Case ~ Robert L. Adams ~ Moorefield Township ~ 56,045 acres ~ 4870 Mumper Rd. ~ A-1 (Agricultural District) to AR-10 (Agricultural/Residential District)

Mr. Tritle presented the report for the rezoning request submitted by Robert L. Adams. He highlighted information contained in the staff report and on the maps. The applicant would like to split the 56 acres into three large lots. The County Engineer noted that there is a dwelling on the proposed 15 acre tract (Tract III). Access to Mumper Rd. is available directly, however, separate driveway permits will be required for each lot. Drainage appears to be adequate under the present agricultural use. A substantial portion of the proposed rezoning is in the floodplain. Most of Tract V is in the floodplain and part of Tract IV is located in the floodplain. The County Engineer recommends approval of only the 15 acre parcel (Tract III) for rezoning to the AR-10 district.

Planning Staff reported that this area is shown as rural residential on the Crossroads Comprehensive Plan. The Health Department was contacted even though the proposed lots are over five acres. They noted that the area in question is in the 100 year flood plain and most of the soils on Tracts IV and V are considered "muck" and are not acceptable for sewage treatment. Staff recommends approval of rezoning for only the 15 acre tract (Tract III) to AR-10. This would leave a tract of slightly over 40 acres.

Mrs. Jordan asked if part of Tract III is located in the flood plain.

Mr. Tritle responded that a small portion by the road is in the flood plain.

Mr. Detrick asked Mr. Tritle to reiterate the reason for rezoning only the Tract III to AR-10.

Mr. Tritle explained that the soils located in Tract IV are "muck" soils.

There was a discussion regarding possible uses for Tracts IV and V and whether these two portions should be rezoned to AR-10. It was determined that permitted uses for A-1 and AR-10 are the same.

Mrs. Stevenson asked the applicant (Robert Adams) his intentions for the parcels.

Robert Adams, applicant, responded that Tract III contains the original residence, which he plans to sell. He explained that the reason that AR-10 is being requested for the other two tracts is because of the size issue. He is planning to sell the 18 acre tract (Tract IV) to the owner to the north. His intent is to keep the remaining 22 acres (Tract V) for recreational use. He feels that with management and proper drainage it is exceptional farmland.

Mr. Farnsworth stated that only Tract III should be rezoned as AR-10. Tracts IV and V (through the attachment process and through the "original tract" definition) can be created administratively. Tract III would be the new parcel being created. Tract IV would be processed administratively through an attachment application. Tract V would be created as the

# Minutes

## Clark County Planning Commission

residual tract under the current "original parcel" definition. It would maintain the A-1 classification.

Mrs. Stevenson stated that there is no minimum or maximum on an attachment, so if Tract IV is attached to the parcel to the north, and some day the owner wants to change the attached part to another zoning classification, how could this be accomplished?

Mr. Farnsworth responded that they would rezone a portion of their parcel.

Mr. Adams asked if the Health Department would consider Tract IV buildable.

Mr. Bob Ingoldsby, representative for the Clark County Combined Health District, responded that, although both Tracts IV and V are considered unbuildable at this time, the Health Dept. would be glad to do testholes, if requested, at some future date.

Staff recommends approval of rezoning only the 15.153 acre lot (Tract III) to AR-10.

CPC: 8-38-2006: Z-2006-11 Rezoning Case ~ Robert L. Adams ~ Moorefield Township ~ 56.045 acres ~ 4870 Mumper Rd. ~ A-1 (Agricultural District) to AR-10 (Agricultural/Residential District)

Motion by Mr. Jurick, seconded by Ms. Jordan to grant Approval to the Rural Zoning Commission for the request of Robert L. Adams to rezone only 15.153 acres (Tract III) located at 4870 Mumper Rd. located in Moorefield Township, from A-1 (Agricultural District) to AR-10 (Agricultural/Residential District).

VOTE: Motion carried unanimously.

### Staff and Board Comments:

Mr. Jurick stated that he would like for the board to consider the use of an AC (Agricultural Conservation) District.

## Adjournment

CPC: 8-39-2006: Adjournment

Motion by Mr. Perkins, seconded by Mr. Bicknell to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:11 p.m.

Mr. Max Cordle, Chairperson Mr. Shane Farnsworth, Secretary

See additional information included following the minutes.

TO: Clark County Planning Commission

FROM: Planning Staff

SUBJECT: Time Extension & Reapproval - Pinewood Estates, Section Two

Applicant: Terry Hoppes for Lon Jenkins (developer); Joyce Brown is the current owner

<u>Plat:</u> Pinewood Estates, Section Two (Final)

Location: German Township, east of Ballentine Pike; at the east stub end of Pinewood Avenue

The County Planning Commission approved the final plans for Pinewood Estates, Section Two Subdivision on August 7, 2002. This subdivision consists of 13 lots and originally contained 16.516 acres. The subdivision boundary has been revised and now contains 17.735 acres. This subdivision will be serviced with on-site sewer and water.

This will be considered a Time Extension as well as a plat revision (reapproval) per the Clark County Subdivision Regulations as noted in Paragraph 3.512 which states "The subdivider shall record the plat in the office of the County Recorder of Clark County, Ohio, within two (2) calendar years after the date of approval unless the Commission agrees to an extension" **AND** "Any changes made after approval of the plat by the Planning Commission which are not part of said approval will require reapproval by said commission".

By looking at the "Overall Map" you will note the "original ownership" included a large tract north of Pinewood Estates Sec. One & Two that was to be considered future expansion. Since the original owner/developer is deceased and the large tract north of Sec. One & Two has been sold to someone else, the future development will need to be reconfigured. As originally proposed, Section Two would have left two "islands" of land which would not meet Subdivision Regulations. The revised boundary eliminates this problem - see the "Original Map" and Revised Map" for clarification.

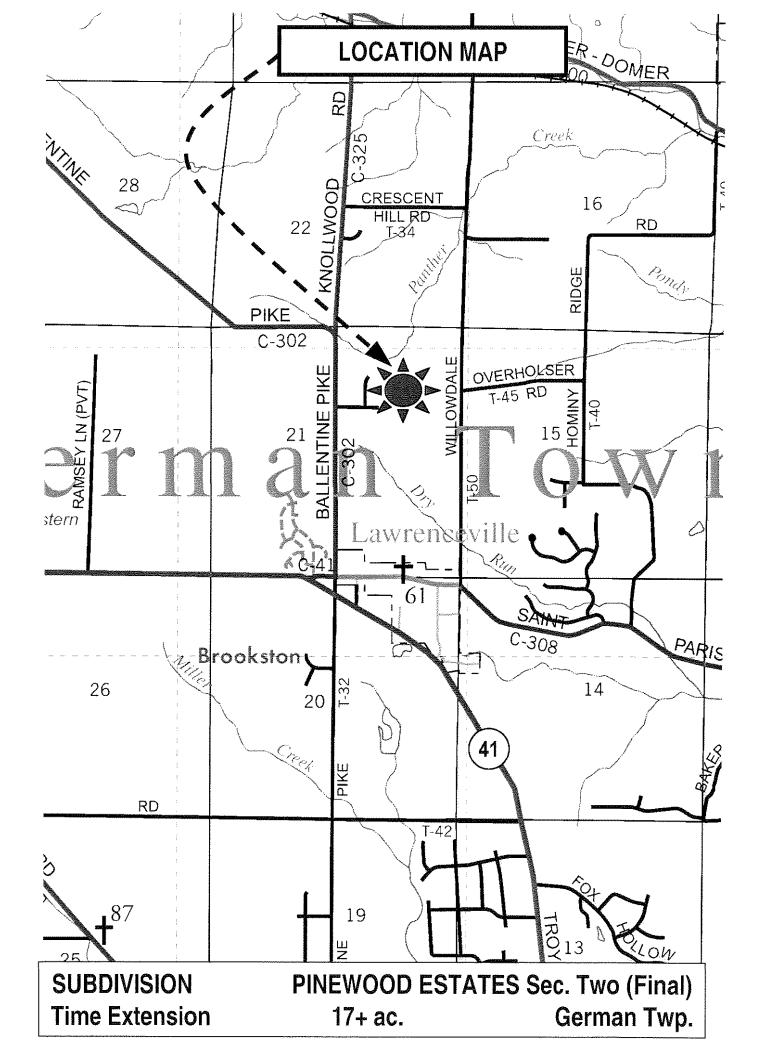
The subdivision was reviewed at the August 17<sup>th</sup> Technical Review Committee meeting. The Health District staff noted the original 45 lots of Pinewood Estates were granted Final Approval by the Board of Health on February 9, 1998. There has been no change in the number of the lots since that approval was granted. The County Engineer's Office did not see any significant issues with this modified proposal. A revised "cost estimate" for the improvements has been submitted.

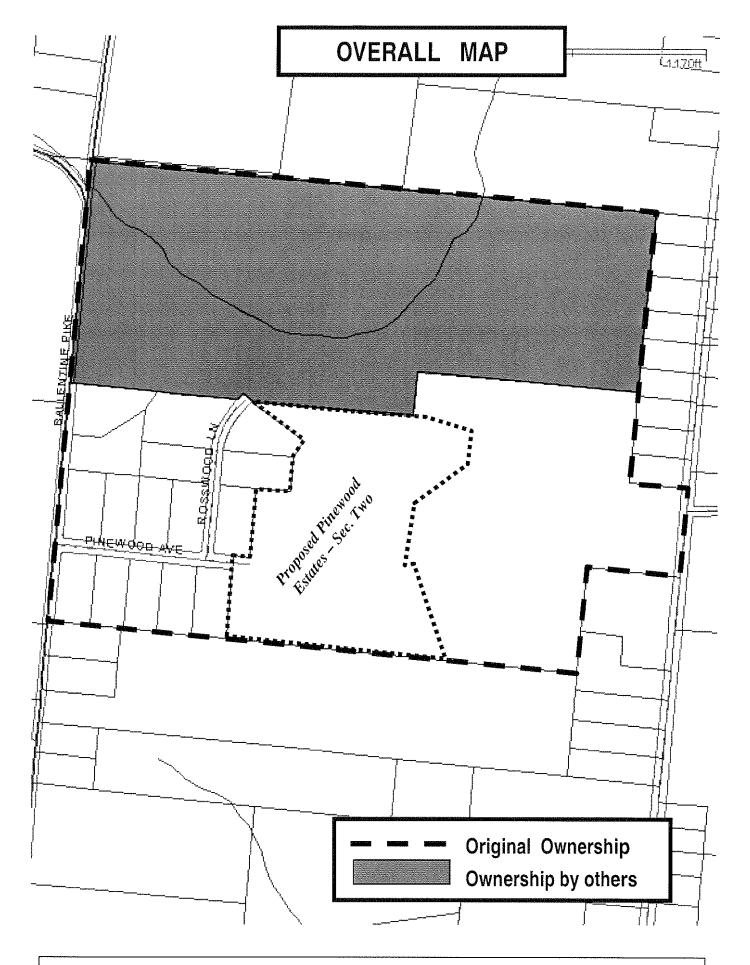
## RECOMMENDATION

The Clark County Planning Staff recommends approval of a three-year time extension until August 7, 2007, for Pinewood Estates, Section Two as well as approval of the reconfiguration of the plat subject to any comments and/or issues noted by the County Engineer's Office or the Land Information System (LIS) office.

#### Attachments:

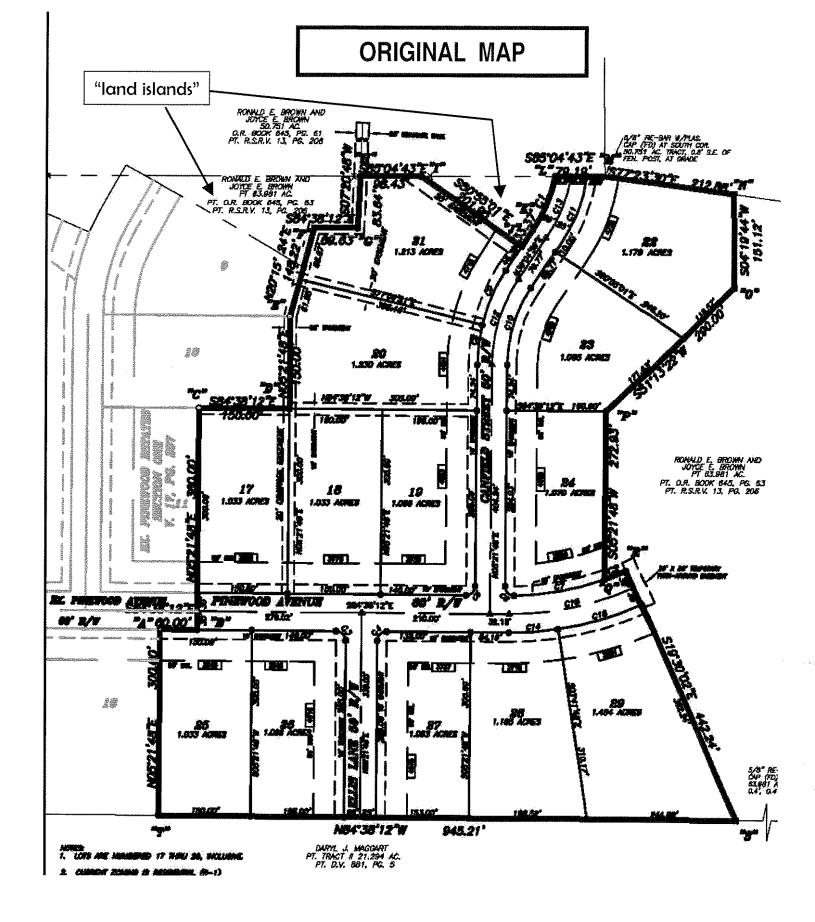
- 1. Location Map
- 2. Overall Map
- 3. Original Final Plat Map
- 4. Revised Final Plat Map
- 5. Applicant's request





SUBDIVISION Time Extension

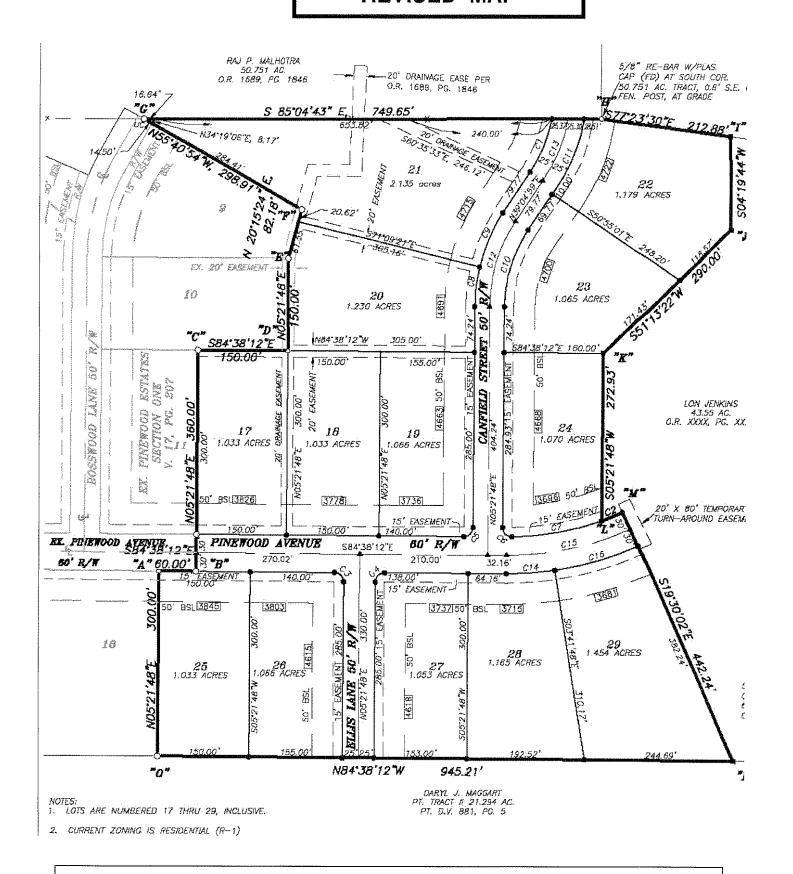
PINEWOOD ESTATES Sec. Two (Final) 17+ ac. German Twp.



SUBDIVISION Time Extension

PINEWOOD ESTATES Sec. Two (Final) 17+ ac. German Twp.

## **REVISED MAP**



SUBDIVISION Time Extension

PINEWOOD ESTATES Sec. Two (Final) 17+ ac. German Twp.

#### HOPPES ENGINEERING AND JURVEYING COMPANY

1533 MOGREFIELD ROAD SPRINGFIELD, OHIO 45503.5798 PHONE: 937.399.1532 FACSIMILE: 937.399.1534



Clark County Planning Commission 25 W. Pleasant Street Springfield, OH 45506

Attn: Shane Farnsworth

August 7, 2006

Dear Shane,

Jenkins-time extension

Pursuant to our recent telephone conversation, following is an explanation of the Pinewood Estates situation. The Pinewoods Estates Development was originally planned by Ronald E. Brown. Ron developed and constructed Section One of the development prior to 2002. I believe it was August of 2002 when the plans for Section Two were approved. It was Ron's intention to build Section Two, but unfortunately he became ill and subsequently died in August of 2003. Normal estate issues prevented this development from being built until recently, when another developer, Lon Jenkins, stepped forward to acquire this land and build the development, as originally proposed.

Mr. Jenkins is requesting a time extension for this development, since the regulations are the same now as they were when the construction plans were drawn. A time extension will give Mr. Jenkins the opportunity to construct the improvements immediately in accordance with the original plans.

Please do not hesitate to call if you have any questions.

Very truly yours,

Terry A. Hoppes

Clark County
Planning Commission

AUG 1 1 2006

Received

MBER: AMERICAN CONGRESS ON SURVEYING AND MAPPING, PROFESSIONAL LAND

## CLARK COUNTY ZONING

**A-1** 

PRINCIPAL PERMITTED AND CONDITIONED USES:				
Agriculture, Farm Markets, & related buildings & structures     Agricultural-Related Processing & Marketing     Single-Family Residential     Single-Family Residential (restricted to lotsplits)     Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)     Private Landing Field     Day-Care Homes     Bed and Breakfast				
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)				
<ol> <li>Home Occupations</li> <li>Private and Public Outdoor Recreation Areas</li> <li>Cemeteries</li> <li>Animal Hospitals, Veterinary Clinics &amp; Kennels</li> <li>Resource and Mineral Extraction</li> <li>Demolition Disposal Facility</li> <li>Airports</li> </ol>				
Radio, Television, & Telecommunications     Transmission & Receiving Towers     Hospitals and Auxiliary Facilities     Oroup Care Home     Nursing Homes, Convalescent Homes, & Rest				
Homes 12. Feed Lot, Grain Elevators, & Slaughterhouses 13. Day-Care Centers 14. Churches and Similar Places of Worship 15. Primary and Secondary Schools 16. Institutions of Higher Learning 17. Garden Centers and Greenhouse				

AR-1, AR-2, AR-5, AR-10, & AR-25

PRINCIPAL PERMITTED AND CONDITIONED USES:	AR- 1	AR- 2	AR- 5	AR- 10	AR- 25
Agriculture, Farm     Markets, & related     buildings &     structures	Υ	Y	Υ	Y	Υ
Single-Family     Residences	Υ.	Υ	Υ	Υ	Y
Day-Care Homes     Bed and Breakfast	Y	Y Y	Υ Υ	Y Y	Y Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	AR- 1	AR- 2	AR- 5	AR- 10	AR- 25
Home Occupations     Churches and Similar     Places of Worship	Y	Y Y	Y Y	Y	Y Y
3. Primary and	N	Y	Υ	Y	Υ
Secondary Schools 4. Institutions of Higher Leaming	N	N	Y	Υ	Υ

General Uses - see zoning text for details and other restrictions

R-1, R-2, R-2A, R-2B

N. R. S. W. Smily: N. A. American				
PRINCIPAL PERMITTED AND CONDITIONED USES:	R- 1	R- 2	R- 2A	R- 2B
Single-Family Dwellings	YNN	Y Y N	Y Y Y <b>N</b>	Y Y Y
2. Bed and Breakfast	Y N N	Y Y N	Y. Y Y N	Y Y Y
Agriculture and Related     Buildings and Structures				
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R- 1	R- 2	R- 2A	R- 2B
Home Occupation     Churches & similar places     of worship	Y	Y	Υ Υ	Y
Primary & Secondary     Schools	Y	Y	Y	Υ
Institutions of Higher     Learning	Y	N	N	N
5. Hospitals & Auxiliary Facilities	Υ	Y	Υ	N
Group Care Homes     Farm Markets     Cemeteries     Day-Care Homes	Y	Y	Y Y N Y N Y Y Y N	YYYYNYYYY
10. Nursing Homes, Convalescent Homes, Rest Homes 11.Radio, Television & Telecommunication Transmission / Receiving	Y	N	N	N
Towers 12. Zero Lot Line, Cluster, Detached, Semi-detached Dwellings, or other housing types of a similar character	N	Y	Y	Y

### R-WHP

M W E E E M M M
PRINCIPAL PERMITTED USES:
1. Mobile Homes
2. Manufactured Homes
3. Communal Facilities

Y = Yes (Permitted)

N = No (Not Permitted)

R-3 & R-4

PRINCIPAL PERMITTE D AND CONDITIONED USES:	R-3	R-4
<ol> <li>Single-Family Dwellings</li> <li>Two-Family Dwellings</li> <li>Three-Family Dwellings</li> <li>Four-Family Dwellings</li> <li>Multiple-Family Dwellings</li> <li>Condominium Residences</li> <li>Agriculture and Related Buildings Structures</li> </ol>	Y Y N N N N	Y Y Y Y Y
CONDITIONALLY PERMITTED USE (Requires BZA Approval)	S: R-3	R-4
Zero Lot Line, Cluster, Detached, Semi- detached, or Attached     Dwellings, or other housing types     a similar character	of Y	Y
Home Occupation     Churches & similar pl aces of worship	Y	Y
4. Group Care Homes 5. Day-Care Homes 6. Day-Care Centers 7. Community Facilities	Y	YYYY

PD
PRINCIPAL PERMITTED: USES:
1. PD-R (Residential 2. PD-O (Office) 3. PD-B (Business) 4. PD-I (Industrial) 5. PD-M Mixed Uses) 6. PD-C (Conservation)
CONDITIONALLY PERM ITTED USES: (Requires BZA Approval)
Home Occupation

## **CLARK COUNTY ZONING**

B-1, B-2, B-3 & B-4 PRINCIPAL PERMITTED AND CONDITIONED USES: B-2 B-3 Business and/or Professional Offices Banks & Financial γ Υ Y Institutions Eating & Drinking Y Υ Υ Places, excluding Drive-in or Carry-out Υ Υ Y Υ Radio and Television **Broadcasting Studios** Funeral Homes & Y Y Υ Mortuaries Automotive Service Υ Υ Y Υ Stations Custom Butcher Shops Υ Indoor Motion Picture N Y Theaters Retail Food Stores Y N Drive-in, Fast Food, Υ Drive-in Carry-out Restaurants and/or Drive-through Retail Establishments Υ Υ N Υ Garden Centers, Greenhouses 12. Automotive Repair N Υ Υ Υ Garages 13. Car Washes 14. Air Conditioning, Y N Plumbing, Heating, and Roofing Shops 15. Automotive & Auto N Υ Accessory Sales Υ Y 16. Building and Related Trades 17. Commercial Recreation Y Υ γ N Establishments Animal Hospitals. N Ν Υ Y Veterinary Clinics, and Kennels Υ 19. Building Material Sales N N Yard 20. Drive-In Motion Picture N Ν Υ Υ Theater 21. Private and Public Out-N N Y door Recreation Areas 22. Motels and Hotels 23. Hospitals & Auxiliary Υ N Facilities 24. Automotive Body Shop Ν 25. Carpenter, Sheet Metal N N N & Sign Painting Shop. Bakery, Laundry, Wholesale Business 26. Bottling of Soft Drinks γ N. N and Milk or Distributing Stations 27. Contractor's Equipment N Υ N N Storage Yard or Storage & Rental Contractor's Equipment 28. Motor Vehicle, Boat, & N N Ν Y Camper Storage Y 29. Trucking and Motor N Ν N Freight Station or Terminal 130. Carting, Express, or N Y Ν N Hauling Establishments 31. Stone or Monument N N N Υ Works 32. Mini-Warehouse or Self N N N Y Storage Facilities

General Uses - see zoning text for details and other restrictions

B-1. B-2. B-3 & B-4

PE	NDITIONALLY RMITTED USES: equires BZA Approval)	B-1	B-2	B-3	B-4
1	Commercial Recreation	Υ			
	Establishments				
2.	Day-Care Centers	Y Y	Y	Y	Y
3.	Day-Care Centers Nursing Homes,	Y	Υ	Υ	Y
	Convalescent Homes,				
	Rest Homes				
4.	Clubs, Fraternal or Lodge	Y	Y	Υ	Y
	Organizations				
5.	Animal Hospitals,	, Y	Υ		
	Veterinary				
	Clinics, and Kennels				
6.	Bars and Taverns	· N	Y	Y	Υ
7.	Wholesale	N	N	Υ	Υ.
	Establishments				١
8.	Adult Entertainment	N	N	N	Υ
	Establishments				

1-1

PRINCIPAL PERMITTEED AND CONDITIONED
USES:
1 Industrial & Manufacturing Establishments

Industrial & Manufacturing Establishments

Warehouses

3. Wholesale Establish ments

4. Manufacturing Retail Outlets

5. Any use permitted a rnd as regulated as a Principal Permitted or Conditioned Use in the B-4 District

#### CONDITIONALLY PER MITTED USES: (Requires BZA Approval)

- Any use permitted a rnd as regulated as a Conditionally Permitted Use in the B-4 District
- Junkyards & Automobile Wrecking Yards
- 3. Resource and Mineral Extraction
- 4. Penal & Correctiona I Facilities
- Sanitary Landfills

## 0-1 & OR-2

PRINCIPAL PERMITTED AND CONDITIONED USES:	O- 1	OR- 2
Business and/or Professional     Offices, including Medical and     Dental Clinics	Y	N
Banks and Financial Institutions     Law, Real Estate, and Insurance     Offices	Y	N N
Business Service Establishments     Single-Family Dwellings     Incidental Business Uses	S Y N N N	N Y Y

Y = Yes (Permitted)

N = No (Not Permitted)